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CONSTITUTIONAL CONVERSATI ON

WITH A

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JUN 8 1933

CONSCIENTIOUS COLONIST;

OR

Truth vs. Error.

Peter—While many of the nations of the earth are groaning under the dominion of a perfect civil and ecclesiastical despotism, ought we not highly to value the rights and privileges which we enjoy under the constitution of Great Britain?

John—Yes, as among the best gifts of a kind Providence.

Peter—Under the same Government you do not believe that the same blessings were always enjoyed?

John—Certainly not: the past history of the country refers to times of darkness and degrading bondage in Great Britain and her dependencies.

Peter—What then, in your opinion has given rise to the happy change?

John—Advanced intelligence in the people, exercising a moral power, in moulding and adapting the institutions of the country to the circumstances of the age.

Peter—Do you believe that human institutions are at a ny ti perfect, and should there fore held sacred and inviolate fr om t action of the moral influe nce which you have alluded?

John—I do not; but av r t prudence should accompa y w dom in all changes.

Peter—How is this inf luen made to bear on the institut ion the country?

John—It is through the will the people being concentra ted Representatives in Parli am who are periodically accou nt for their actions.

Peter—You admit then the importance of the princip le pure representation and re p bility.

John—Yes, as the very ce and glory of our Constitu io

Peter—Do you deem it th be of vital importance, t the real character and views f the ha people should be freely ma sted ni and expressed in the choi of re co presentatives?

John—It is all important, and justice ought to secure to every man, duly qualified, the exercise of the elective franchise without fear or constraint.

Peter—Why should so much value be set on this inestimable right of the British subject & its legitimate exercise?

John—Because without a faithful choice of men of known character as to the great principles of civil and religious liberty, we shall have a partial representation and of consequence partial and injurious laws and defective institutions.

Peter—Do not all who speak of the British Constitution as of something that is, & ought to be, unchangeable, greatly err?

John—Yes, for it is a monument of human wisdom, always changing and adapting itself to the character and circumstances of the people in every age. I might refer to its progressive and rapid improvement during the last half century; but even during the last 10 years how many obnoxious statutes have been repealed and others of a wise and salutary character enacted, diffusing in consequence the blessings of civil tranquility and greatly increased prosperity. The constitution has been therefore changed for the better: it has been REFORMED.

Peter—Would not that man be justly considered a fit subject for a Lunatic Assylum who in our day would stand forward to propose or advocate the frame of laws or our constitution as it existed before 1688 when the name of "FREEMAN" was unknown?

John—No man in his right mind could dare to do so.

Peter—What then must we think of those men who in 1836 stand by and defend an Act passed about 50 years ago, called our "Constitutional Act" as if the wisdom of that age, with prophetic eye, had framed an Act so perfect that no circumstances however changed; no intelligence however increased; no experience however matured could possibly require it to be changed, in any even the smallest degree?

John—Such men are evidently "born out of due time" whose motto like one of the European Despots is: "every thing that is ancient is good!" But they are blinded either by ignorance, prejudice, or self-interest, and the latter is that which I fear wraps our Constitutional Act in *pretended*, immaculate perfection.

Peter—I believe that our Provincial Legislature cannot change our constitutional act?

John—Most certainly it cannot; the Imperial Parliament of Great Britain whence it emanated can alone change it.

Peter—What is the course to be employed in effecting any necessary change in that Act?

John Simply I presume by petition or address from the people or their Representatives, to the Imperial Legislature of the Empire. What parts of our constitutional Act do you think require to be repealed or amended?

Peter—There are several which I will mention for your consideration:—

1st. Repeal that part which admits persons by HEREDITARY RIGHT to offices of trust and power over the people, inasmuch as no man is necessarily capable of being a statesman or officer-holder because his father was so; and as the clause is so inapplicable to our circumstances that it has never once been acted upon. Known intelligence and worth form the only true ground of an aristocracy.

2nd. Repeal that part which appropriates lands for the clergy, and gives power to the Governor and Council to establish and endow Rectories.

3rd. Amend that part which relates to the mode of constituting the Legislative Council, by any means better adapted to give effect to good, wise, and desirable laws;—50 years experience having taught that *as it now is*, it forms a barrier to healthy Legislation.

4th. Let the nature and duties of the Executive Council be unequivocally defined

to present future *pretended* misapprehension.

John—Would any of these changes in that satute endanger, in any degree, the rights of property, as some have falsely represented?

Peter—certainly it could not—no more than the changes of the British Constitution to which I have alluded, viz: the repeal of the Corporation and Test Acts which kept *every man out of office who would not subscribe to the 39 articles and take the sacrament in an Episcopalian Church*,—the repeal of the laws relative to the electors of the United Kingdom, by which the great mass of the people were prevented from having any voice in the choice of members of Parliamant:—the repeal of the laws relative to the tolerating of slavery in the British Colonies. The repeal of all these obnoxions statutes and the passage of the Reform Bill, the Catholic emancipation bill, the bill emancipating the coloured people in all the British dominions, the late Corporation Bill, &c. &c.—So far from endangering the rights of property in Great Britain and Ireland, or her colonies, it has tended to secure them; and the confidence, tranquillity, and prosperity which now prevail in the mother country is the best evidence of the happy results arising from reform, and the same may be expected to follow the Reforms sought far in Upper Canada.

John—What reasons can you assign for the hostility which some persons manifest against the reformation of our system of Government, which all admit is defective—and since all would enjoy the benefits arising from it?

Peter—Because the persons in office dread that their power will be curtailed—their influence lessened—their emoluments reduced—their acts narrowly inspected, under a reform system, combining *active supervision with responsibility*, and they employ all their patronage and power to obtain the services of those who have influence over the people, and by such means delude many good men and sincere christians, undesignedly to aid in the maintenance of corrupt and irresponsible government.

John—It is a humiliating and melancholy truth that the cause of civil and religious liberty,—that cause upon the advancement of which depends our present and future happiness, has had a struggle, not only in the open field, with the iron hand of worldly corruption and tyranny, but in secret and in the dark, with professed and sincere friends, led away by error and misrepresentation.

Peter—What in your opinion is the most formidable barrier to the advancement of knowledge and truth and the progress of civil and religious liberty in the world?

John—I without hesitation reply the uniting of the church with the state.—"The old serpent" never employed a more potent engine to extend the kingdom of darkness and error.

Peter—No man could doubt the correctness of your opinion who has beheld the workings of the Hierarchies of Europe and witnessed their corrutions—their abominations—their pride—their tyranny and cruelty—their deadly influence upon the hearts and minds of men, in all the countries where they have beenlong established.

John—Christianity can never flourish under any secular union with the powers of the earth,—it is of a nature too refined to amalgamate with them.

Peter—It never can—it never will—and O! how solemn and imperative is the call which duty makes, upon the christian, of whatever name, to watch, lest he be found to aid by his influence, in the introduction and establishment of such *a curse* in our land.

John—The conduct of the Government of this Province in lately establishing and endowing 57 Rectories, contrary to the wishes of the people, and to their peace, happiness, and welfare, is a signal to every patriot & christian to mark the political character of those who come forward to claim the suffrages of the people at the coming election, in order that men of decided and

unbending principle may be chosen to re-
present us in Parliament, not only to op-
pose this outrage against our liberties, *but*
to have the system reformed which tolerates it.

Peter—It is all important for the great
object contended for by the friends of re-
form, viz: *a responsible Executive Council*
would have effectually prevented this nox-
ious and dangerous procedure on the part of
any Lieutenant Governor.

John—It is the *responsibility* of the ad-
visers of the King's representative, a "new
theory in our constitution," as Sir F. B.
Head terms it.

Peter—It is an acknowledged British
principle—and EVERY MEMBER of the late
Assembly, *except Boulton and Malloch*, 53
out of 55, *voted in favor of recognizing it*
as part of our Constitution.

John—Did THE SOLICITOR GENERAL ac-
tually vote in favor of a *responsible* Execu-
tive?

Peter—He certainly did, as the Jour-
nals of the House will testify, but with
distinguished consistency! he afterwards
voted against it, and now he makes long
speeches against it, because Sir Francis his
master says, "it must not be so."

John—Was it any political or party feel-
ings which broke up the late Executive
Council on the question of its responsibili-
ty?

John—By no means; for it was compos-
ed of men of *opposite* political views, who
on finding themselves made the mere dupes
of a corrupt system, at variance with our
Constitution and British usage, *unanimously*
protested against such a fraud being com-
mitted in their name upon the country.

John—But does not Sir F. B. Head say,
that they wanted to deprive him of his pre-
rogative?

Peter—He does—although he knows
full well that the gentlemen whom he had
sworn to give him counsel, only claimed
their right to give him advice "*on the af-
fairs of the Province*," as the cabinet min-
istry advise the King of England, whose
prerogative is not thereby invaded.

John—It is very evident that no political
party feeling led to the collision between
the Lt. Governor and his Council—do you
believe that there were any narrow pesonal
or selfish considerations on the part of the
Council which led to it?

Peter—The very reverse is the truth.—
Had they remained "*mute and dumb*"—
they would have retained the favor of His
Excellency—enjoyed their £100 per an-
num for doing nothing, and been in name
the *Honorable* the Executive Council of
Upper Canada; but as men of honor and
of patriotism—they chose to lose the favor
of His Excellency—to sacrifice the paltry
salary of office—to step from the rank of
Honorable Councillors to that of private
citizens; and some of them to hazard the
loss of offices from which they derive sup-
port for themselves and their families, and
which they have held for many years, and
all this for what?—That they might render
to their country an essential service by vin-
dicating the right of the people of Upper
Canada to all the blessings of the glorious
Constitution of Great Britain.

John—Men of such character and prin-
ciples are the pride and boast of any coun-
try, and this Province is undeserving of
British Freedom if its inhabitants will look
on with indifference and see them sacrificed
by the arm of a petty despot, to uphold
"Downing-street" supremacy, contrary to
the letter and spirit of our constitution.

Peter—The late House of Assembly ho-
norably sustained these patriotic men and
addressed His Excellency to dismiss their
successors in office as they had not the con-
fidence of the country.

John—They did—but is it a British prin-
ciple for the Representatives of the People
to call upon the Head of the Government
to dismiss his Council?

Peter—It is one of the brightest features
in the British Constitution, and has been
acted upon for ages.

John—Should the King in England or
any Governor of a Colony refuse to dismiss
his advisers in accordance with the wishes
of the People as expressed through their

Representatives, what remedy have they?

Peter—THE ONLY CONSTITUTIONAL COURSE left them is for their Representatives to withhold "the Supplies," i. e. to vote no salaries to the officers of the Executive Government so long as it puts public opinion and the constitution at defiance.

John—I observe that the Lieut. Governor speaks of the stoppage of the supplies in his answers to several addresses, as having caused great distress in the country and checked the improvement of our roads, &c. &c. &c.—is this really true or false?

Peter—It is utterly untrue and is designed to deceive the unsuspecting Electors throughout the country. The supplies amount to about £7000—the one-half of this sum would be payable on the 1*st July* 1836 and the other half on the 1*st January* 1837—and could not therefore affect even the office-holders themselves until then, far less cause "a general stagnation of trade" as Sir Francis declares.

John—Has not the government a large fund at its disposal *over which our Representatives have no control?*

Peter—Yes—the casual and territorial revenue amounting to £30,000 *a year*—besides about £7000 of a permanent civil list taken annually out of the taxes of the people without their consent by the odious "Everlasting Salary Bill" and yet Sir Francis says that the clerks and messengers are almost in a state of starvation.

John—Did not His Majesty's Government offer to place the revenue which you have stated at the disposal of our Representatives on certain conditions?

Peter—Yes, you are correct; it did.—Lord Goderich directed £10,000 *annually* of that revenue to be placed at the disposal of the Assembly upon condition that the House granted a "civil list" for £7000 *for seven years or during the life of the King*, but Sir John Colborne neither regarded the wishes of the People nor the Instructions of the King and got a A TORY PARLIAMENT to give a "*Civil List*" FOR EVER, but gave *none of the casual and territorial revenue in return.*

John—Truly—that act of Sir John and the other about THE RECTORIES is the best commentary which can be given upon *the unsoundness of our "Colonial System,"* and no independent man can sanction or defend such a system of deception and injustice. What do you understand by the term "Rectories"?

Peter—In the church of England there is an order of the clergy called "Rectors," who are I believe settled Ministers for life; the place where they reside is called "the Rectory" and the lands given by Government, the "endowment" of the rectory.

John—How many acres of our public lands have been given *during the last year* to endow rectories and make clerical Lords—or *Lords spiritual!* over the people of this province.

Peter—About 20,000 *acres of choice Lands!* and this is only "the beginning of sorrows" if the colonists are mad enough to give such a government a Tory majority in the next Parliament.

John—Do you believe that the government will persevere in going against public opinion, and in treading underfoot the vast body of His Majesty's loyal subjects—Presbyterians, Dissenters, or Methodists because they will not bow at the shrine of Episcopacy?

Peter—I have no doubt of it whatever—they have always done so,—and it is not improbable, that the Provincial Act relative to tithes will be repealed, and the TITHE SYSTEM *established in all its glory!!*

John—It matters very little whether we have a Maitland a Colborne or a Sir F. B. Head to govern us; each of them is but the agent of a pernicious system, and as a plain countryman once remarked, may be compared to a servant employed to overlook a thrashing machine. The people of this province have been placed under one of Steven & Hay's patent colonial thrashing machines of "Downing-street" manufactured for a long period, and under Colborne superintendance, have been nearly thrashed out of their Religious Liberties, and will

before long, if Toryism gain the ascendancy, be thrushed out of their civil liberties too, and driven as chaff before the wind of Ecclesiastical intolerance and civil tyranny.

Peter—The eyes of the colonists are being opened to these things, and they perceive that the great safe-guard from such evils as well as the sure and peaceful means of redressing "all real grievances is, A RESPONSIBLE EXECUTIVE COUNCIL, or to have known and honest men to advise our Governors on all our affairs.

John—Has not the present Lieut Governor prevented the appropriation of all the monies voted by the late House of Assembly for public improvements?

Peter—He has refused to give the royal sanction to bills passed by it amounting to £162,000, and this has produced the distress—*if any there be*—throughout the country.

John—Why has His Excellency dissolved the Parliament two years before the period when by law it would have expired?

Peter—Evidently to maintain *if possible* his assumed right to rule the colony at his own pleasure without advice—*and to prevent the march of* REFORM.

John—But Sir Francis says he is a Reformer,—does he not?

Peter—If a man's actions be the best criterion to judge of his principles, he is the greatest enemy to Reform that ever held the reins of Government in this Province. Look to his first acts in appointments to office;—His disingenuous conduct towards his Council and our Representatives;—His replies to Tory addresses in which he styles Reformers, "*our enemies*" and his late Council "*an ignominious metropolitan cabinet.*" Look to the means employed to influence the public mind previous to the announcement of a dissolution of Parliament;—the arrangements he has made as to the date on which Elections will be held in various parts to give the Tories two chances for one to the Reformers;—the places where Elections are to be held,—for instance Beverley in Leeds—the former *place of riot and bloodshed*;—the political character of the Returning Officers, some of whom are *most violent partizans* of the Tory interest!!—and this is our *Reform* Governor who came as he said "*to uproot the Tree of Abuse*" which had been planted by his predecessors!!

John—Does the great body of the Reformers of Upper Canada contend for the principles which you have advocated in the course of our conversation—the reformation of our system by moral and constitutional means?

Peter—They contend for them and nothing more, and they do so in order to secure to themselves, and their children to the remotest posterity, *the invaluable blessings of Civil and Religious Liberty which* THE CONSTITUTION of GREAT BRITAIN intended to guarantee to every British subject.

John—Why then are they called "Revolutionists"; "Destructives"; "Rebels"; "Men bent on Anarchy"; "our Enemies"; "Infidels"; "Republicans," &c. &c. &c.?

Peter—Because the friends of corruption, find that, simple minded, altho' well-meaning persons *are frightened by such epithets from giving honest votes at elections*—just as a child is frightened into obedience by a silly story about a ghost or hobgoblin, told by a foolish nurse who is ignorant of the way of governing children, but perhaps the Tories will find that they are ignorant of the way of governing the yeomanry of Upper Canada.

John—But are not the Reformers also charged with a design "to break our connexion with the mother country"?

Peter—This is another "scare crow" of *late* invention, and is as base as it is untrue; and I appeal to any man of common sense whether the concession of *all* our constitutional rights would not rather rivet our connexion with the mother country by the same ties which unite the child to the parent, who rules it by generosity and kind-

ness, and not by arbitrary power and physical restraint?

John—The cause of the reformers is evidently a righteous one, and it is honorable to suffer reproach in its defence. The late Assembly however, is also much stigmatized, what is your opinion of it?

Peter—I could point out several of its defects, and refer to particular errors of individual members, but as a body, they have honorably discharged their arduous and important trust; and in the face of the calumny of enemies, and the defection of some deceived friends, have boldly "bearded the lion," of unconstitutional power, to save the country from its paw.

John—Would you then at the approaching election give your support to men of similar principles, and none others.

Peter—As a conscientious man, desirous to be guided in all things by correct views and christian motives, I would give my unqualified support to men of their principles, leaving aside all personal feelings and minor considerations, and taking a broad view of their character as *the advocates of our civil rights and especially of our* RELIGIOUS PRIVILEGES, in opposition to all church establishments with their fearful accompaniments, and there are besides, other reasons which should weigh with every good man in forming a correct judgment of the Reformers and their cause; and that is, the unimpeachable private character, the distinguished talents, and the venerable age and experience of their leading and most influential men.

John—I cannot but accord with the opinion you have just expressed; and convinced as I am, that we have come to that crisis which will either terminate in *placing our elives and property in the power of an irresponsible* TORY DESPOTISM,—or in the power of a *mild and equitable*, BECAUSE RESPONSIBLE ADMINISTRATION; I will make every effort to secure the return of a *more decidedly* REFORM PARLIAMENT that the enemy to the tranquility and prosperity of our country may speedily be put down *to rise no more.*

Peter—From the arrangements made by the government for the Elections, I am almost inclined to believe the reports that are in circulation, that unlawful means may be resorted to by the Tories to carry them in their favor; such as, allowing votes on location tickets; running in their voters and suddenly closing the poll; or employing physical force to prevent Electors from getting to the Husting,—a majority being gained *even by such means*, they will then have *the choice of the Speaker* and *the power to decide all contested Elections!!*

John—I could hardly reconcile such fears with the fact of my residence in a BRITISH PROVINCE were I not reminded of the late Elections in the county of Leeds.—*His Majesty's Attorney General!* and *Gowan* were I believe *twice returned by force and violence* from that county and had their Elections *twice* declared void by the Assembly, and so soon as the peaceable electors were protected by an act appointing, only *for once*, that the Election should be held *in four places at one time*—Buell and Howard THE REFORM CANDIDATES were returned *by overwhelming majorities!*—There is a spark of the fire of freedom in the breasts of the freemen of Upper Canada, and there is nerve and sinew in their arm to protect themselves from lawless violence; but I hope and trust that their energies will not be aroused by the rudeness of their oppressors.—Let the electors mark *those* Returning Officers *who shall dare to put them down by fraud or injustice.*—Let all intemperance among Reformers be avoided:—Let *cool determination and invincible firmness* be united with MUCH PATIENCE.—And Reform will be honored, if it be not triumphant.

Peter—These councils are necessary & prudent, but over all human arrangements, however wise, there is a power that presides and will direct for the best. In ancient times under similar circumstances a wise Monarch has left on record the following testimony:—"If thou seest the oppression of the poor, and violent perverting of justice and judgement in a province marvel not at the matter; for HE that is higher than the highest regardeth, and there be higher than they."